

KAREN P. HEWITT  
United States Attorney  
PETER KO  
California Bar No. 191994  
Assistant United States Attorney  
Federal Office Building  
880 Front Street, Room 6293  
San Diego, California 92101-8893  
Tel.: (619) 557-6618  
Fax: (619) 557-3445  
Email: [peter.ko2@usdoj.gov](mailto:peter.ko2@usdoj.gov)

Attorneys for United States of America

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

v.

JOE VANG,

Defendant

) No. 07CR3041-LAB

) DATE: Jan. 7, 2008

) TIME: 2:00 pm

) GOVERNMENT'S RESPONSE AND  
) OPPOSITION TO VANG'S MOTIONS:

) 1) TO COMPEL DISCOVERY; AND

) 2) TO GRANT LEAVE TO FILE FURTHER  
) MOTIONS

The United States of America, by its counsel, responds as follows to Vang's motions.

Vang moves for discovery. We have complied with, and will continue to comply with, our discovery obligations under Fed. R. Crim. P. 16 and 26.2, the Jencks Act (18 U.S.C. § 3500), and Brady v. Maryland, 373 U.S. 83 (1963) and its progeny. At this time, we are not aware of any specific discovery disputes.

As a legal matter, we oppose Vang's motion to the extent it seeks discovery beyond the boundaries of the authorities above or any other authority. As a practical matter, however, we are aware of the value of open discovery and already have disclosed, and will continue to disclose, more than required by law. In addition, we recognize our obligations under Brady and its progeny take precedence and may at times require us to disclose evidence, documents, or objects not otherwise discoverable.

1 Vang's motion for leave to file further motions should be denied without prejudice to  
2 renewing it if or when he identifies the specific motions he seeks to file. Without knowing the  
3 specific motion(s), the court cannot determine if good cause exists for not filing the motion at  
4 this time or earlier. In addition, because Vang has not actually sought to file any additional  
5 motions—i.e., because there is no actual controversy about whether the court should allow the  
6 filing of a motion—he effectively seeks an advisory opinion, which federal courts are  
7 constitutionally prohibited from issuing. United States v. Conklin, 9 F.3d 1377, 1386 (9th Cir.  
8 1993).

9 Respectfully submitted,

10 KAREN P. HEWITT  
11 United States Attorney

12 s/ Peter Ko

13 PETER KO  
14 Assistant U.S. Attorney  
Attorneys for United States of America  
Email: [peter.ko2@usdoj.gov](mailto:peter.ko2@usdoj.gov)

15 DATED: Dec. 31, 2007  
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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, ) No. 07CR3041-LAB  
v. ) CERTIFICATE OF SERVICE  
JOE VANG, )  
Defendant )  
\_\_\_\_\_ )

IT IS HEREBY CERTIFIED THAT:

I, Peter Ko, am a citizen of the United States and am at least eighteen years of age.  
My business address is 880 Front Street, Room 6293, San Diego, California 92101-8893.

I am not a party to the above-entitled action. I have caused service of the attached  
Response and Opposition on the following parties by electronically filing the foregoing with the  
Clerk of the District Court using its ECF System, which electronically notifies them.

Debra A. DiIorio (counsel for Vang)

I declare under penalty of perjury that the foregoing is true and correct.

Executed on Dec. 31, 2007

s/Peter Ko

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PETER KO